

H.R. 915 – FAA REAUTHORIZATION ACT OF 2009

FUNDING LEVELS

The *FAA Reauthorization Act of 2009* provides historic funding levels (\$70 billion) for the Federal Aviation Administration's ("FAA") capital programs between fiscal year ("FY") 2009 and FY 2012:

- **\$16.2 billion for the Airport Improvement Program ("AIP");**
- **\$13.4 billion for FAA Facilities & Equipment ("F&E");**
- **\$38.9 billion for FAA Operations; and**
- **\$1.35 billion for Research, Engineering, and Development ("RE&D").**

AIR TRAFFIC CONTROL MODERNIZATION AND NEXTGEN

- **Funding:** \$13.4 billion for FAA F&E to accelerate the implementation of the Next Generation Air Transportation System ("NextGen"); enable FAA to make needed repairs and replacement of existing facilities and equipment; and provide for the implementation of high-priority safety-related systems.
- **Accountability:** Elevates the Director of the Joint Planning and Development Office ("JPDO") to the status of Associate Administrator of NextGen within the FAA, reporting directly to the FAA Administrator. Annual reporting requirements on NextGen-related deliverables; and provisions to ensure FAA vendor accountability for providing safe, quality services for automatic dependant surveillance broadcast ("ADS-B") and flight service stations.
- **NextGen Demonstrations:** Several development activities are authorized to be funded. These activities may include trajectory-based operations and super density operations to mature technologies, investment, and deployment of new capabilities while also identifying early implementation opportunities and refining longer-term objectives.

AIRPORTS

- **Passenger Facility Charge ("PFC"):** Increases the PFC cap from \$4.50 to \$7.00. According to the FAA, if every airport currently collecting a \$4.00 or \$4.50 PFC raised its PFC to \$7.00, it would generate approximately \$1.1 billion in additional revenue for airport development each year. Provides significant increases in AIP funding for smaller airports that are particularly reliant on AIP for capital financing.

SAFETY

- **Safety Critical Staffing:** Directs the FAA to increase the number of aviation safety inspectors.
- **Air Carrier Oversight:** Creates an independent Aviation Safety Whistleblower Investigation Office within the FAA; mandates a two-year "post-service" cooling off period after FAA inspectors leave the FAA; principal supervisory inspectors must be rotated between airline oversight offices every five years; and monthly reviews of the Air Transportation Oversight System database are required to ensure that trends in regulatory compliance are identified and appropriate corrective actions taken.
- **Runway Incursions:** Provides for \$46 million over four years for runway incursion reduction programs; \$325 million over four years for runway status light acquisition and installation; and requires FAA to submit strategic runway safety plan to Congress.
- **Foreign Repair Stations:** Requires FAA to inspect part 145 certificated foreign repair stations at least twice a year and requires drug and alcohol testing for those individuals working on U.S. aircraft.
- **Flight Crew Fatigue:** Requires the FAA to contract with the National Academy of Sciences to conduct a study on pilot fatigue, and update, where appropriate, its regulations regarding flight and duty time

requirements for pilots. FAA must also initiate a process to carry out the recommendations of the Civil Aerospace Medical Institute regarding flight attendant fatigue.

ENVIRONMENT

- **CLEEN Engine and Airframe Technology Partnership:** Directs the FAA to enter into a 10-year cooperative agreement with an institution, entity, or eligible consortium to carry out a program for the development, maturing and certification of continuous lower energy, emissions and noise (“CLEEN”) engine and airframe technology to reduce aircraft environmental impacts and energy usage.
- **Environmental Mitigation Pilot Program:** Authorizes the FAA to fund six projects at public-use airports to take promising environmental research concepts into the airport environment to demonstrate the technology’s ability to reduce aviation impacts on noise, air or water quality in the airport environment. The Federal share of the project is fifty percent, not to exceed \$2.5 million per project.
- **Prohibition on Stage II Aircraft:** Requires, within 5 years, all civil subsonic aircraft under 75,000 pounds meet stage 3 noise levels within the 48 contiguous states, with limited exceptions for certain temporary operations.

SMALL COMMUNITIES

- **Essential Air Service (“EAS”) & Small Community Air Service Development (“SCASD”) Program Financing:** Increases EAS funding annually from \$127 million to \$200 million and extends SCASD through FY 2012 at the current authorized funding level of \$35 million per year.
- **EAS Reform:** Incorporates financial incentives into EAS contracts based on specified performance goals (such as establishing reasonable fares (including joint fares beyond the hub airport), creating convenient connections to hub airports, and increasing market efforts); utilizes long-term contracts for stability; and reduces the local share of AIP project costs from ten percent to five percent for certain economically depressed communities that receive subsidized air service under the EAS program. Increases the existing \$200 per passenger subsidy cap by an amount necessary to account for the increase in the cost of aviation fuel in the 24 months preceding the date of enactment; authorizes the Secretary to provide emergency across-the-board increase in EAS subsidy payments to compensate EAS carriers for increased aviation fuel costs; and requires faster adjustments to subsidy rates to reflect changing costs.

CONSUMER PROTECTION

- **Emergency Contingency Plans:** Requires airlines and airports to have emergency contingency plans in place and detail how they will allow passengers to deplane following excessive delays, with civil penalties if the plans are not followed.
- **DOT Actions:** DOT is required to publicize and maintain a hotline for consumer complaints, establish an Advisory Committee for Aviation Consumer Protection, expand consumer complaints investigated, and requires air carriers to report diverted and canceled flight information monthly. DOT is directed to prohibit the use of voice communication using a mobile phone on scheduled flights.

LABOR

- **Express Carrier Employee Protection:** Amends the Railway Labor Act (“RLA”) to clarify that employees of an “express carrier” shall only be covered by the RLA if they are employed in a position that is eligible for certification under FAA’s rules, such as mechanics or pilots, and they are actually performing that type of work for the express carrier. All other express carrier employees would be governed by the National Labor Relations Act.
- **FAA Personnel Management System:** Requires that, if the FAA and one of its bargaining units do not reach agreement, the services of the Federal Mediation and Conciliation Service shall be used or the parties may agree to an alternative dispute resolution procedure. This requirement applies to the new dispute resolution process to the ongoing dispute between the National Air Traffic Controllers Association and the FAA.